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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,226	11/18/2003	David A. Bogstad	1-36829	6669

4859 7590 11/06/2006

MACMILLAN SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604-1619

EXAMINER

HUSON, MONICA ANNE

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,226

Applicant(s)

BOGSTAD ET AL.

Examiner

Monica A. Huson

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to the paper filed 18 August 2006.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (U.S. Patent 3,787,170), and Takada et al. (U.S. Patent 6,019,933). Regarding Claim 1, Gilbert shows that it is known to carry out a heat stretch blow molding process (Abstract; Column 4, lines 47-55), comprising preparing a polypropylene preform (Column 2, lines 4-14); and heating the preform, utilizing a plurality of radiant energy sources positioned adjacent said preform (Column 2, lines 27-30). Takada et al., hereafter "Takada," show that it is known to carry out a method including heating a preform, utilizing a plurality of infrared energy sources positioned adjacent said preform at distances inversely proportional to the wall thickness of said preform directly apposing said infrared energy sources (Column 24, lines 38-53). Takada and Gilbert are combinable because they are concerned with a similar technical field, namely, methods of molding preforms. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Takada's positioning theory during Gilbert's molding process in order to provide the appropriate heating of the preform depending on the desired thickness of the final article (See Takada, Column 24, lines 42-53).

Regarding Claim 5, Gilbert shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show using infrared heat lamps. Takada shows that it is known to carry out a method wherein the infrared energy sources comprise heat lamps (Column 24, lines 12-26). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Takada's infrared heat lamps during Gilbert's molding method in order to take advantage of new infrared heating technology.

Claims 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert and Takada, further in view of Rosato's Injection Molding Handbook (3<sup>rd</sup> ed.).

Regarding Claim 2, Gilbert shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not specify a certain polypropylene. Rosato shows that it is known to carry out a molding method using a low density polypropylene (LDPE) or a high density polypropylene (HDPE) (Page 479-480, 482). Rosato and Gilbert are combinable because they are concerned with a similar technical field, namely, methods of molding articles out of resin. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Rosato's specific molding material in Gilbert's molding method in order impart specific desired performance qualities to the final article (See Rosato, Page 479).

Regarding Claim 3, Gilbert shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show using specific adjuvants in his molding material. Rosato shows that it is known to carry out a method of molding wherein the resin contains fillers, extenders or lubricants (Pages 501-502). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Rosato's specific adjuvant in Gilbert's molding method in order modify the bulk resin's characteristics to meet the specifications of the final article (See Rosato, Page 501-502).

Regarding Claim 6, Gilbert shows that it is known to carry out a heat stretch blow molding process (Abstract; Column 4, lines 47-55), comprising preparing a polypropylene preform (Column 2, lines 4-14); and heating the preform, utilizing a plurality of radiant energy sources positioned adjacent said preform (Column 2, lines 27-30). Takada shows that it is known to carry out a method including heating a preform, utilizing a plurality of infrared energy sources positioned adjacent said preform at distances inversely proportional to the wall thickness of said preform directly apposing said infrared energy sources (Column 24, lines 38-53). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Takada's positioning theory during Gilbert's molding process in order to provide the appropriate heating of the preform depending on the desired thickness of the final article (See Takada, Column 24, lines 42-53). Gilbert does not specify a certain polypropylene. Rosato shows that it is known to carry out a molding method using a low density polypropylene (LDPE) or a high density polypropylene (HDPE) (Page 479-480, 482). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Rosato's specific molding material in Gilbert's molding method in order impart specific desired performance qualities to the final article (See Rosato, Page 479). Also, Gilbert does not show using specific adjuvants in his molding material. Rosato shows that it is known to carry out a method of molding wherein the resin contains fillers, extenders or lubricants (Pages 501-502). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Rosato's specific adjuvant in Gilbert's molding method in order modify the bulk resin's characteristics to meet the specifications of the final article (See Rosato, Page 501-502).

Regarding Claim 7, Gilbert shows the process as claimed as discussed in the rejection of Claim 6 above, but he does not show using infrared heat lamps. Takada shows that it is known to carry out a method wherein the infrared

energy sources comprise heat lamps (Column 24, lines 12-26). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Takada's infrared heat lamps during Gilbert's molding method in order to take advantage of new infrared heating technology.

### ***Response to Arguments***

Applicant's arguments, see the paper filed 18 August 2006, with respect to the rejection(s) of claim(s) 1-3 and 5-7 under Deemer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gilbert and Takada.

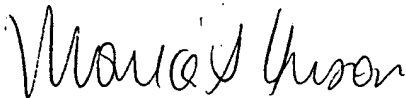
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

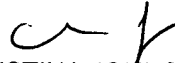
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

November 1, 2006



CHRISTINA JOHNSON  
SUPERVISORY PATENT EXAMINER

11/3/06